

REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

Rejection under §103(a) as being unpatentable over Wolford in view of Dye:

The Examiner rejected claims 1, 2, 4-7, 9-13 under §103(a) as being unpatentable over Wolford in view of Dye. Applicant traverses this rejection. The Examiner asserts that Wolford discloses the invention except for a reamer spindle interface structure fixedly attached to the inside of the dome so as to completely and substantially inset the interface structure inwardly from the edge and within the dome as per claim 1, wherein the interface structure is attached via at least one internal junction which is entirely recessed within the dome above the equatorial plane as stated in claim 2, wherein the interface structure is fixedly attached to the inside of the dome via a junction located approximately at the apex of the dome, as per claim 6, or substantially along the latitudinal plane of the interface structure, as per claim 7, and an angled reamer spindle as per claim 13.

The Examiner asserts that, on the other hand, Dye "discloses a *reamer spindle interface structure* 16 fixedly attached to the inside of the dome so as to completely and substantially inset the interface structure inwardly from the edge and within the dome as per claim 1 (see para. 66, para. 69 and para.77), wherein the interface structure is attached to the inside of the dome via a junction located approximately at the apex of the dome, as per claim 6 (see para. 77), or substantially along the latitudinal plane of the interface structure, as per claim 7 (see para. 77), and an angled reamer spindle 22 as per claim 13, in order to provide an assembly that provides minimum

invasiveness of orthopedic surgery (see para. 18). Consequently, the Examiner asserts that it would have been obvious to one skilled in the art at the time the invention was made to construct the reamer of Wolford with the reamer spindle assembly in view of Dye in order to provide an assembly that provides minimal invasiveness in surgery.

Applicant believes that this rejection is founded on a misconception of Dye and so, should be withdrawn. Dye describes an impactor for impacting a hip prosthesis into place. Item 120 is referred to as an “acetabular shell” (see e.g., Page 1, col 2, para. 0013) or “implant shell” (see para. 0014). Therefore, it is not a reamer, does not rotate in cutting and essentially, other than having a form that resembles a reamer, is completely unrelated to a reamer and should not be compared with Applicant’s invention. The Examiner further refers to the threaded interface as a *reamer spindle interface structure*. It however, is not a *reamer* structure and has nothing at all to do with a reamer. Further, reamers must be rotatable in both directions, in one direction for cutting and in the other direction for packing bone graft into place. Due to the threaded interface, the implant shell of Dye can only be rotated in one direction without becoming unthreaded, and when rotated, it is not for cutting (an implant insert does not cut in rotation), but rather may be rotated for re-positioning the implant.

Consequently, Applicant asserts that the combination advanced by the Examiner is improper, as there is no nexus in Dye to combine with Applicant’s reamer and reamer holder invention.

Concerning claims 3 and 8, Applicant asks the Examiner to substantiate his rejection. The mere statement that such would be obvious without a citation of references to support the assertion that removal of sections of the reamer would be obvious in light of the already cited prior art provides no guidance to the Applicant as to how to overcome the Examiner’s rejection. As such, the Examiner’s rejection is arbitrary. Nonetheless, given the Examiner’s argument that holes 30 of Wolford constitute “removed sections”, Applicant has amended claims 4, 5 and 8 to make clear that a “side-section [is] removed from the dome...”. By “side-sections”, Applicant means that the removed portions are located along the side of the reamer, thus reducing the static insertion profile of the reamer. Such side-sections are referred to in the

specification as "cutaway sides 142", for example, and so refer to a removed section along an edge or side of the reamer. Such side-sections are not disclosed in the cited prior art and therefore, it is believed that the dependent claims referring to this feature are patentable. Acknowledgment of this fact is respectfully requested.

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Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), **or e-mail at moetiteli@patentinfo.net.**

Applicant petitions the Commissioner for an Extension of time of X months. The Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & ASSOCIES SARL, no. 50-2621.

Respectfully submitted,

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